UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,843	12/21/2004	Lutz Schneidereit	AT 020044	1284

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EXAMINER
PHAM, VAN T

ART UNIT	PAPER NUMBER
2627	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/518,843	SCHNEIDEREIT ET AL.
	Examiner	Art Unit
	VAN T. PHAM	2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/21/2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Drawings

1.   The drawings are objected to under 37 CFR 1.83(a) because they fail to show "generation

of part identification block from items of total for the number of track" or "generation of part

identification block from items of the total number of files" or "generation of part identification

block from items of total length" as described in the specification. Any structural detail that is

essential for a proper understanding of the disclosed invention should be shown in the drawing.

MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required

in reply to the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version of the

sheet, even if only one figure is being amended. The figure or figure number of an amended

drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the

remaining figures must be renumbered and appropriate changes made to the brief description of

the several views of the drawings for consistency. Additional replacement sheets may be

necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

2.   The drawings 1-4 are objected to because the "black boxes" are required to be

descriptively labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are

required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior

version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the

remaining figures must be renumbered and appropriate changes made to the brief description of

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necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Specification

3.   The disclosure is objected to because of the following informalities: because in PGPUB,

paragraph [0045] indicated that "part-ID4 representing the total number of tracks on a CD", but

in [0045], line 3 indicated that "part-ID4 representing the total number of files on a CD".

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

5.   Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the enablement requirement. The claim(s) contains subject matter which was not described in

the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention.

Claims 1 and 8 have phases "a second part identification block is formed from a total for

the number of tracks" which is found in PGPUB is explained that "the total number of tracks can

easily be determined from the TOC" which is not enough explanation in a way as to enable one

skilled in the art to which pertains, or with which it is most nearly connected, to make and/or use

the invention.

Claims 2-7 and 9-14 fall with parent claim.

Hence there would be undue experimentation for one of skill in the art to make and use

the invention.

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

7.   Claims 6-7 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

Claim 6 recites the limitation "a data block having a single byte is generated as a second

part identification data" in line 1. There is insufficient antecedent basis for this limitation in the

claim. And also it is confusing that the a data block having a single byte is generated as a second

part identification data or second part identification block is set to the fourth byte position in the

identification data block?

Claim 7 recites the limitations "a data block having a three byte is generated as a first part

identification data" in line 1 and "the second byte", in line 3. There is insufficient antecedent

basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

8.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

9.   Claims 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter.

Claim 12 is drawn to "computer software" *per se* as recited in the preamble and as such is

non-statutory subject matter. See MPEP § 2106.IV.B.1.a.

Regarding claim 12, note that data structures not claimed as embodied in computer

readable media are descriptive material *per se* and are not statutory because they are not capable

of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31

USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data

structures do not define any structural and functional interrelationships between the data

structure and other claimed aspects of the invention, which permit the data structure's

functionality to be realized. In contrast, a claimed computer readable medium encoded with a

data structure defines structural and functional interrelationships between the data structure and

the computer software and hardware components which permit the data structure's functionality

to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings

per se, i.e., the descriptions or expressions of the programs are not physical "things." They are

neither computer components nor statutory processes, as they are not "acts" being performed.

Such claimed computer programs do not define any structural and functional interrelationships

between the computer program and other claimed elements of a computer, which permit the

computer program's functionality to be realized.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Woodward (US 2003/0028721) in view of Kawamura et al. (US 6,424,614).

Regarding claim 1, Woodward discloses a method of generating an identification data

block for a data carrier (see Fig. 3), which data carrier comprises at least one track (see Fig. 4),

wherein each track is defined by an item of start position information (see Fig. 4), wherein the

identification data block is formed from part identification blocks, wherein a first part

identification block is formed from the items of start position information (see Fig. 4) and a

second part identification block is formed from a total for the number of tracks on the data

carrier (see abstract and Figs. 4-5). However, Woodward does not disclose the identification data

block by means of a gating function and the first part identification block is formed from the

items of start position information by means of an XOR gating operation and an XOR gating

operation is then likewise used as a gating function.

Kawamura, discloses the sector address of the TOC are by means a gating function and an XOR gating operation is then likewise used as a gating function and total number of tracks and start position of the data (Figs. 10-15).

Regarding claim 2, the combination of Woodward and Kawamura, discloses a method as claimed in claim 1, wherein at least one track comprises a number of files having file names (Kawamura Fig. 11), use being made for generating the identification data block of, in addition, the file names to generate a third identification data block.

Regarding claim 3, the combination of Woodward and Kawamura, discloses a method as claimed in claim 2, wherein characters of the file names are each individually gated by an XOR function (Kawamura Figs. 9-10).

Regarding claim 4, the combination of Woodward and Kawamura, discloses a method as claimed in claim 2, wherein use is made for generating the identification data block of, in addition, a fourth part identification block, the total number of files, which is formed by the number of files, being used to generate the fourth identification data block.

Regarding claim 5, the combination of Woodward and Kawamura, discloses a method as claimed in claim 1, wherein a data block having four bytes is generated as an identification data block (see Kawamura Fig. 11).

Regarding claim 6, the combination of Woodward and Kawamura, discloses a method as claimed in claim 5, wherein a data block having a single byte is generated as a second part identification data and, in the course of the XOR gating to generate the identification data block, this second part identification block is set to the fourth byte position in the identification data block (see Kawamura Figs. 9-15).

Regarding claim 7, the combination of Woodward and Kawamura, discloses a method as claimed in claim 5, wherein a data block having three bytes is generated as a first part identification block and, in the course of generating the identification data block, this second part identification block is set to the second byte position in the identification data block. (see Kawamura Figs. 9-14).

Regarding claim 8, see rejection above of claim 1.

Regarding claim 9, see rejection above of claim 2.

Regarding claim 10, see rejection above of claim 3.

Regarding claim 11, see rejection above of claim 4.

Regarding claim 13, the combination of Woodward and Kawamura, discloses a product is stored on a computer-readable medium (see Woodward Fig. 3 and Kawamura Figs. 1-2).

Regarding claim 14, the combination of Woodward and Kawamura, discloses a computer having a processing unit and an internal storage means, which computer runs the computer software product claimed in claim 12 (see Woodward Figs. 1-3).

Cited References

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to:

a.   Data recording medium and record/playback apparatus using the data recording medium (Kawamura et al. US 6424614). US 5,777,960).

b.   Method and apparatus for seeking target address with error check code (Yamagami et al. US 4,800,549).

c.   Optical disc palyer and method for reproducing thereof (Han et al. US 2005/0270949).

13.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

THANG V. TRAN
PRIMARY EXAMINER